

**AMENDMENT NO. 1 TO THE ADMINISTRATION AGREEMENT BETWEEN THE EUROPEAN
COMMISSION ON BEHALF OF THE EUROPEAN UNION AND THE INTERNATIONAL BANK FOR
RECONSTRUCTION AND DEVELOPMENT CONCERNING THE PART II EUROPE 2020
PROGRAMMATIC SINGLE-DONOR TRUST FUND**
Trust Fund (No. TF073205)
(EC Contract No. IPA/2018/402-958)

1. The European Union, represented by the EUROPEAN COMMISSION (hereinafter referred to as "the Donor"), which is represented for the purposes of signature of this amendment by Mr. Colin Wolf, Head of Unit D5, Western Balkans Regional Cooperation and Programmes, Directorate-General for Neighbourhood and Enlargement Negotiations ("DG NEAR"), on the one part, and
2. The INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT (hereinafter referred to as "the Bank"), represented for the purposes of signature of this amendment by Mrs. Linda Van Gelder, Country Director, ECCWB - Europe Western Balkans, on the other part,

Having regard to the above-mentioned Administration Agreement signed on December 17, 2018.

Whereas the Bank has requested the Commission to amend the above-mentioned Administration Agreement for the following reason: to extend the end disbursement date of the Trust fund in order to orderly finalize the activities to be carried under this Agreement and to revise the indicative timeline for delivering outputs accordingly.

HAVE AGREED AS FOLLOWS:

Article 1 Annex 1 "Part II Europe 2020 Programmatic Single-Donor Trust Fund Description" to the Administration Agreement is replaced by the Annex 1 attached to this amendment (Attachment 1).

Article 2

Section 6.1. of Annex 2 "Standard Provisions" to the Administration Agreement is modified to read as follows:

"6.1 It is expected that the funds deposited in the Trust Fund will be fully disbursed by the Bank by December 31, 2020 (the "End Disbursement Date"). The Bank shall only disburse funds deposited in the Trust Fund for the purposes of this Administration Agreement (other than returns to Donor) after such date to the extent such date is changed in accordance with amendments made to the Administration Agreement(s) of the Donor. Following the End Disbursement Date, the Bank shall return any remaining balance of the Trust Fund to the Donor in the Holding Currency in the manner specified in its respective Administration Agreement on a pro rata basis with regard to the total funds deposited in the Trust Fund by such Donor relative to the total funds deposited in the Trust Fund by the Donor, all calculated as Holding Currency amounts."

All other provisions of the Administration Agreement shall remain unchanged.

The present amendment shall form an integral part of the Administration Agreement and it shall enter into force on the date on which it is signed by the last party.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

By:

Name: Linda Van Gelder

Title: Country Director, ECCWB - Europe Western Balkans

Date: April 3, 2020

EUROPEAN UNION represented by the EUROPEAN COMMISSION

By:

Name: Colin Wolfe

Title: Head of Unit D5, Western Balkans Regional Cooperation and Programmes, DG NEAR

Date: 13/3/20

**PART II EUROPE 2020 PROGRAMMATIC SINGLE-DONOR TRUST FUND
DESCRIPTION**

This Annex shall be applicable to and form an integral part of the Administration Agreement for the Trust Fund between the Bank and the Donor.

1. Objectives

The objectives of the Trust Fund are:

The European Commission and the Bank share a common objective of building competitive and sustainable economies and reducing poverty and social exclusion – goals of the Europe 2020 Agenda which is built on three pillars of smart, sustainable and inclusive growth. The European Commission and the Bank concur that direct interaction is beneficial to both institutions and through them to the participating beneficiaries. This applies particularly to the provision of analytical, advisory and knowledge services and technical assistance.

The European Commission has expressed an interest in ensuring that the Bank continues to provide technical assistance in the framework of the Trust Fund in furtherance of the common objective set forth above.

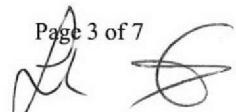
2. Activities

Background

Improvements in justice system performance are important for the EU's agenda in the region, as well as for the Bank's twin goals. This is particularly so for economies in the Western Balkans that are beneficiaries of the European Union Instrument for Pre-Accession II ("WeBa Beneficiaries"). For WeBa Beneficiaries, strengthening the rule of law is at the heart of the *EU Enlargement Strategy*. Therefore, the European Commission (EC) is monitoring progress in this area, including by focusing on better measurement of results in justice reform. For the Eastern Partnership (EaP) beneficiaries, strengthening governance institutions is one of four priority areas in the agreed *20 Deliverables for 2020*, and implementing justice reforms is one of the key deliverables. Each of the participating WeBa Beneficiaries has a strategy in place to improve justice system perform. As a result, the EC and the Bank share a common interest in supporting participating WeBa Beneficiaries across the region to develop a track record of improvement in justice system performance that is tangible and measurable.

Measuring justice system performance is a challenge. There are few datasets that measure the functioning of the justice system, let alone those which enable reliable cross-country comparisons or comparisons within a country over time. Existing justice system indicators generally do not produce actionable data needed to identify future reforms. There is need to complement the existing indices with data measuring the perception and experiences of justice by a wide range of justice users. Such information will contribute to establishing a baseline against which the impact of future justice reforms may be measured and which, in turn, may contribute to demonstrating a track record of reform.

Multi-stakeholder justice surveys are a useful tool to better understand and track justice system performance. By gathering experience-based and perception-based data from a range of stakeholder groups in the justice sector, these surveys can help policy makers to better understand how the justice system really operates and the impact of justice reforms. They provide insights on the perspectives of different players, especially by gauging the satisfaction, views and experiences of citizens and



businesses. They can help gauge the levels of engagement and satisfaction among service providers and understand their expectations from the reform processes. They can also help to reach beyond legalistic approaches to better understand where the law on the books differs from the reality in practice, and where implementation gaps lay. By conducting these surveys across multiple participating WeBa Beneficiaries, the activities to be carried out under this Agreement are expected to generate data by country, by issue and by stakeholder group. The process of generating this data will aim at adding coherence and consistency to this space, while offering efficiency and value for money compared with spontaneous individual or one-off data generation initiatives in each country. The data will enable the participating WeBa Beneficiaries to benchmark and compare the implementation of justice in way that has not been done before.

The Bank has a comparative advantage in applying these tools as it has carried out justice surveys over the last decade around the world, including in Azerbaijan, Croatia, Romania, Serbia and Montenegro. Of these, the recent multi-stakeholder justice surveys in Serbia and in Montenegro offer particularly useful models for use in the participating WeBa Beneficiaries.

A preparatory phase conducted by the Bank for the implementation of a similar project in EaP beneficiaries has already delivered tools relevant for the implementation of the below activities, such as the master survey instrument developed for EaP beneficiaries.

Description of Activities

Accordingly, the EC's Directorate-General for Neighbourhood and Enlargement Negotiations (DG NEAR) has requested the Bank to carry out the following preparatory activities for the development of a Regional Justice Survey in the participating WeBa Beneficiaries and to then conduct this Survey in the said beneficiaries. The Survey will help policymakers to shape justice policy dialogue through the creation, analysis and dissemination of survey data on justice system performance in the participating WeBa Beneficiaries.

The surveys will be expected to enable detailed comparisons of the justice systems operating in practice in these participating WeBa Beneficiaries. They will further serve as benchmarking justice system performance both between participating WeBa Beneficiaries at a point in time, and within participating WeBa Beneficiaries over a period of time. The data generated by the surveys could help the participating WeBa Beneficiaries to target their reforms, measure progress over time and benchmark progress among themselves.

Activity 1: Development of a Regional Justice Survey

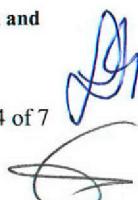
Sub-activity 1: Analysis to inform the substance and process for the Regional Justice Survey

Under this activity, the Bank will:

- a) *Develop a master sampling plan* for a Regional Justice Survey in participating WeBa Beneficiaries that includes the sampling approach, fieldwork approach and sample frame, as well as definitions of respondent groups and respondent selection criteria in each country. The sampling plan will outline how the survey will ensure that samples provide adequate coverage and representativeness, including through stratification sampling and booster sampling.
- b) *Prepare the survey framework and its content*, including the performance dimensions which need to be measured, the relevant detailed definitions and the indicators of performance dimensions of the justice systems in the different participating WeBa Beneficiaries. The operating assumption is that the performance dimensions will cover the characteristics of access, efficiency, quality and independence. The Bank will also consider how the survey could deal with sensitive issues, such as integrity, impartiality, accountability and trust, and make recommendations.

Sub-activity 2: Regional and in-country consultations and consensus building

The Bank will carry out in-country consultations, as needed, to:



- a) *Raise awareness of the benefits* of justice surveys among justice stakeholders in the participating WeBa Beneficiaries, including by highlighting good practices and lessons from previous survey efforts, and sharing know-how on using survey results to inform decision-making at a national level.
- b) *Familiarize stakeholders with the concept* of a Regional Justice Survey.
- c) *Facilitate consultations with the participating WeBa Beneficiaries to determine the respondent groups* for a Regional Justice Survey. The operating assumption is that groups will include: the general population; a larger (booster) sample of those in the general population with recent experience with a court case; business representatives; a larger (booster) sample of those business representatives with recent experience with a court case; lawyers; judges; prosecutors, and; staff working in courts and prosecutor offices. Consideration will also be given to how the survey should deal with country-specific issues and relevant groups, such as micro and small businesses, allied professional (such as bailiffs and notaries), and persons in vulnerable situation, such as internally displaced people, respondents in disputed regions and women.

Sub-activity 3: Survey Preparation

The Bank will carry out the following activities in the participating WeBa Beneficiaries:

- a) *Assess full costings and an implementation plan* for the carrying out of a Regional Justice Survey with the participating WeBa Beneficiaries. The Bank will support participating WeBa Beneficiaries prepare a proposed implementation plan, including consultations with relevant stakeholders as needed.
- b) *Adjust the master survey instrument developed for the EaP beneficiaries* for each of the respondent groups in the participating WeBa Beneficiaries, and review, revise and update the instrument through further consultations, as needed. The Bank will also recommend how to complement the survey instruments with focus group discussions to ensure a quality product.
- c) *Translate and support to field-test the survey instruments in one country* to determine the questions that need to be adapted to make them appropriate for the survey in general, and review and update the master instruments accordingly.
- d) *Develop master manuals* necessary for the effective data collection and the quality and integrity of the process in the participating WeBa Beneficiaries.
- e) *Finalize the survey instruments for the “test” country* and finalize the specific methodological approach for the “test” country to launch the survey in that country.

Activity 2: Regional Justice Survey Implementation

The Bank will conduct the following-activities.

Sub-activity 1: Survey launches in each country.

- a) The Bank will organize the *launch event* to announce the start of the data collection process and provide support on the process to the domestic authorities;
- b) *Organize workshops* to encourage stakeholder and judges, prosecutors and other staff to complete the relevant questionnaires.

Sub-activity 2: Survey implementation

- a) The Bank will develop specific sampling, methodological and fieldwork approaches based on the master methodology prepared during the preparatory stage.



- b) *Translate material.* The Bank will translate manuals and finalize instruments for each country where the survey will be implemented. The instruments will be based on the master instruments developed in the preparatory stage, and some country specific questions may be added. The questionnaires will be translated and back-translated in the languages of each participating country facilitate conceptual and semantic equivalence. The master instruments will be reviewed and updated accordingly.
- c) *Collect data and prepare Survey Technical Report.* The Bank will collect data and prepare a Survey Technical Report with the relevant findings for each country.
- d) *Discuss results.* The Bank will organize meetings and/or workshops to discuss preliminary findings with relevant stakeholders and with participating WeBa Beneficiaries to validate results within each country.
- e) *Prepare Analytic Report.* The Bank will prepare an Analytic Report integrating findings from the country-specific Survey Technical Reports prepared for each Country. Each report will contain both descriptive and visual presentation of recommendations for possible future justice reforms and next steps.

Sub-Activity 3: Dissemination of survey results. The Bank will carry out the following activities:

- a) *Prepare a dissemination package.* The Bank will prepare a dissemination package including the country-specific Analytic Report, with a short executive summary of the results of the surveys and graphic representations of the survey results for each country.
- b) *Organize dissemination events.* The Bank will organize workshops for key judicial stakeholders to present the results of the surveys and the relevant Analytic Report. The events will focus on giving recommendations to the relevant stakeholders on the use of the information resulted from the survey to communicate with the public and inform policymaking and reform.

Indicative Timeline for Delivering Outputs

Outputs	Timeline
Consultation missions in participating WeBa Beneficiaries	January/February 2019
Sampling plan	February 2019
Master survey instruments	March 2019
Implementation plan	March 2019
<i>Analytical Report</i>	<i>May 2020</i>
Implementation of the survey	April-November 2019
Dissemination of survey results	June – October 2020

3. Eligible Expenditures

For Bank-executed activities, the Trust Fund funds may be used to finance:

- (a) Staff and individual consultant services;
- (b) Cost of travel;
- (c) Cost of training and workshops;
- (d) Other services including translation



4. Taxes

The foregoing activities and categories of expenditures may include the financing of taxes in accordance with the Bank's applicable policies and procedures.

5. Program Criteria

Activities are to be financed in accordance with the following program criteria:

The Trust Fund is established to enable the European Commission and the Bank to continue to collaborate and exchange experience and expertise on a number of themes under all three pillars of the Europe 2020 Agenda of smart, sustainable and inclusive growth. The express purpose of this Trust Fund is to allow the European Commission to avail itself of the Bank's technical assistance and analytical and policy capacity for the purpose of pursuing the goals of Europe 2020. The three pillars of Europe 2020 are broadly in line with the objectives and strategies adopted in the Europe and Central Asia Region of the World Bank Group. All activities that are in pursuance of these three pillars are eligible to be financed and implemented under this Trust Fund.

